

By: Zaffirini

S.B. No. 39

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to guardianships, substitutes for guardianships, and  
3 durable powers of attorney for persons with disabilities or who are  
4 incapacitated.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 751.052, Estates Code, is amended to  
7 read as follows:

8 Sec. 751.052. RELATION OF ATTORNEY IN FACT OR AGENT TO  
9 COURT-APPOINTED GUARDIAN OF ESTATE. (a) If, after execution of a  
10 durable power of attorney, a court [~~of the principal's domicile~~]  
11 appoints a:

12 (1) permanent guardian of the estate for a ward who is  
13 [~~of~~] the principal who executed the power of attorney, on the  
14 qualification of the guardian the powers and authority granted to  
15 [~~of~~] the attorney in fact or agent named in the power of attorney  
16 are automatically revoked; or

17 (2) temporary guardian of the estate for a ward who is  
18 the principal who executed the power of attorney, on the  
19 qualification of the guardian the powers and authority granted to  
20 the attorney in fact or agent named in the power of attorney are  
21 automatically suspended for the duration of the guardianship unless  
22 the court enters an order that:

23 (A) affirms and states the effectiveness of the  
24 power of attorney; and

1           (B) confirms the validity of the appointment of  
2 the named attorney in fact or agent [~~terminate on the qualification~~  
3 ~~of the guardian of the estate~~].

4           (b) If the powers and authority of an [~~The~~] attorney in fact  
5 or agent are revoked as provided by Subsection (a), the attorney in  
6 fact or agent shall:

7                   (1) deliver to the guardian of the estate all assets of  
8 the ward's estate that are in the possession of the attorney in fact  
9 or agent; and

10                   (2) account to the guardian of the estate as the  
11 attorney in fact or agent would account to the principal if the  
12 principal had terminated the powers of the attorney in fact or  
13 agent.

14           ~~[(b) If, after execution of a durable power of attorney, a~~  
15 ~~court of the principal's domicile appoints a temporary guardian of~~  
16 ~~the estate of the principal, the court may suspend the powers of the~~  
17 ~~attorney in fact or agent on the qualification of the temporary~~  
18 ~~guardian of the estate until the date the term of the temporary~~  
19 ~~guardian expires. This subsection may not be construed to prohibit~~  
20 ~~the application for or issuance of a temporary restraining order~~  
21 ~~under applicable law.]~~

22           SECTION 2. Section 751.054(a), Estates Code, is amended to  
23 read as follows:

24           (a) The revocation by, the death of, or the qualification of  
25 a temporary or permanent guardian of the estate of a principal who  
26 has executed a durable power of attorney or the removal of an  
27 attorney in fact or agent under Chapter 753 does not revoke,

1 suspend, or terminate the agency as to the attorney in fact, agent,  
2 or other person who acts in good faith under or in reliance on the  
3 power without actual knowledge of the termination or suspension, as  
4 applicable, of the power by:

- 5 (1) the revocation;
- 6 (2) the principal's death; [~~or~~]
- 7 (3) the qualification of a temporary or permanent  
8 guardian of the estate of the principal; or
- 9 (4) the attorney in fact's or agent's removal.

10 SECTION 3. Section 751.055(a), Estates Code, is amended to  
11 read as follows:

12 (a) As to an act undertaken in good-faith reliance on a  
13 durable power of attorney, an affidavit executed by the attorney in  
14 fact or agent under the durable power of attorney stating that the  
15 attorney in fact or agent did not have, at the time the power was  
16 exercised, actual knowledge of the termination or suspension of the  
17 power, as applicable, by revocation, the principal's death, the  
18 principal's divorce or the annulment of the principal's marriage if  
19 the attorney in fact or agent was the principal's spouse, [~~or~~] the  
20 qualification of a temporary or permanent guardian of the estate of  
21 the principal, or the attorney in fact's or agent's removal, is  
22 conclusive proof as between the attorney in fact or agent and a  
23 person other than the principal or the principal's personal  
24 representative dealing with the attorney in fact or agent of the  
25 nonrevocation, nonsuspension, or nontermination of the power at  
26 that time.

27 SECTION 4. Section 752.051, Estates Code, is amended to

1 read as follows:

2           Sec. 752.051. FORM. The following form is known as a  
3 "statutory durable power of attorney":

4                           STATUTORY DURABLE POWER OF ATTORNEY

5 NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING.  
6 THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, SUBTITLE P,  
7 TITLE 2, ESTATES CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE  
8 POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT  
9 AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS  
10 FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO  
11 DO SO.

12           You should select someone you trust to serve as your agent  
13 (attorney in fact). Unless you specify otherwise, generally the  
14 agent's (attorney in fact's) authority will continue until:

- 15                   (1) you die or revoke the power of attorney;
- 16                   (2) your agent (attorney in fact) resigns, is removed  
17 by court order, or is unable to act for you; or
- 18                   (3) a guardian is appointed for your estate.

19           I, \_\_\_\_\_ (insert your name and address), appoint  
20 \_\_\_\_\_ (insert the name and address of the person appointed) as  
21 my agent (attorney in fact) to act for me in any lawful way with  
22 respect to all of the following powers that I have initialed below.

23           TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN  
24 FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS  
25 LISTED IN (A) THROUGH (M).

26           TO GRANT A POWER, YOU MUST INITIAL THE LINE IN FRONT OF THE  
27 POWER YOU ARE GRANTING.

1 TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF THE  
2 POWER. YOU MAY, BUT DO NOT NEED TO, CROSS OUT EACH POWER WITHHELD.

3 \_\_\_\_\_ (A) Real property transactions;

4 \_\_\_\_\_ (B) Tangible personal property transactions;

5 \_\_\_\_\_ (C) Stock and bond transactions;

6 \_\_\_\_\_ (D) Commodity and option transactions;

7 \_\_\_\_\_ (E) Banking and other financial institution  
8 transactions;

9 \_\_\_\_\_ (F) Business operating transactions;

10 \_\_\_\_\_ (G) Insurance and annuity transactions;

11 \_\_\_\_\_ (H) Estate, trust, and other beneficiary transactions;

12 \_\_\_\_\_ (I) Claims and litigation;

13 \_\_\_\_\_ (J) Personal and family maintenance;

14 \_\_\_\_\_ (K) Benefits from social security, Medicare, Medicaid,  
15 or other governmental programs or civil or military service;

16 \_\_\_\_\_ (L) Retirement plan transactions;

17 \_\_\_\_\_ (M) Tax matters;

18 \_\_\_\_\_ (N) ALL OF THE POWERS LISTED IN (A) THROUGH (M). YOU DO  
19 NOT HAVE TO INITIAL THE LINE IN FRONT OF ANY OTHER POWER IF YOU  
20 INITIAL LINE (N).

21 SPECIAL INSTRUCTIONS:

22 Special instructions applicable to gifts (initial in front of  
23 the following sentence to have it apply):

24 \_\_\_\_\_ I grant my agent (attorney in fact) the power to apply my  
25 property to make gifts outright to or for the benefit of a person,  
26 including by the exercise of a presently exercisable general power  
27 of appointment held by me, except that the amount of a gift to an

1 individual may not exceed the amount of annual exclusions allowed  
2 from the federal gift tax for the calendar year of the gift.

3 ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS  
4 LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS  
15 EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

16 CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE  
17 ALTERNATIVE NOT CHOSEN:

18 (A) This power of attorney is not affected by my subsequent  
19 disability or incapacity.

20 (B) This power of attorney becomes effective upon my  
21 disability or incapacity.

22 YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY  
23 IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

24 IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT  
25 YOU CHOSE ALTERNATIVE (A).

26 If Alternative (B) is chosen and a definition of my  
27 disability or incapacity is not contained in this power of

1 attorney, I shall be considered disabled or incapacitated for  
2 purposes of this power of attorney if a physician certifies in  
3 writing at a date later than the date this power of attorney is  
4 executed that, based on the physician's medical examination of me,  
5 I am mentally incapable of managing my financial affairs. I  
6 authorize the physician who examines me for this purpose to  
7 disclose my physical or mental condition to another person for  
8 purposes of this power of attorney. A third party who accepts this  
9 power of attorney is fully protected from any action taken under  
10 this power of attorney that is based on the determination made by a  
11 physician of my disability or incapacity.

12 I agree that any third party who receives a copy of this  
13 document may act under it. Revocation of the durable power of  
14 attorney is not effective as to a third party until the third party  
15 receives actual notice of the revocation. I agree to indemnify the  
16 third party for any claims that arise against the third party  
17 because of reliance on this power of attorney.

18 If any agent named by me dies, becomes legally disabled,  
19 resigns, ~~or~~ refuses to act, or is removed by court order, I name  
20 the following (each to act alone and successively, in the order  
21 named) as successor(s) to that agent: \_\_\_\_\_.

22 Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
23 \_\_\_\_\_

24 (your signature)

25 State of \_\_\_\_\_

26 County of \_\_\_\_\_

27 This document was acknowledged before me on \_\_\_\_\_(date) by

1 \_\_\_\_\_

2 (name of principal)

3 \_\_\_\_\_

4 (signature of notarial officer)

5 (Seal, if any, of notary) \_\_\_\_\_

6 (printed name)

7 My commission expires: \_\_\_\_\_

8 IMPORTANT INFORMATION FOR AGENT (ATTORNEY IN FACT)

9 Agent's Duties

10 When you accept the authority granted under this power of  
11 attorney, you establish a "fiduciary" relationship with the  
12 principal. This is a special legal relationship that imposes on you  
13 legal duties that continue until you resign or the power of attorney  
14 is terminated, suspended, or revoked by the principal or by  
15 operation of law. A fiduciary duty generally includes the duty to:

- 16 (1) act in good faith;
- 17 (2) do nothing beyond the authority granted in this  
18 power of attorney;
- 19 (3) act loyally for the principal's benefit;
- 20 (4) avoid conflicts that would impair your ability to  
21 act in the principal's best interest; and
- 22 (5) disclose your identity as an agent or attorney in  
23 fact when you act for the principal by writing or printing the name  
24 of the principal and signing your own name as "agent" or "attorney  
25 in fact" in the following manner:

26 (Principal's Name) by (Your Signature) as Agent (or as  
27 Attorney in Fact)

1           In addition, the Durable Power of Attorney Act (Subtitle P,  
2 Title 2, Estates Code) requires you to:

3                   (1) maintain records of each action taken or decision  
4 made on behalf of the principal;

5                   (2) maintain all records until delivered to the  
6 principal, released by the principal, or discharged by a court; and

7                   (3) if requested by the principal, provide an  
8 accounting to the principal that, unless otherwise directed by the  
9 principal or otherwise provided in the Special Instructions, must  
10 include:

11                           (A) the property belonging to the principal that  
12 has come to your knowledge or into your possession;

13                           (B) each action taken or decision made by you as  
14 agent or attorney in fact;

15                           (C) a complete account of receipts,  
16 disbursements, and other actions of you as agent or attorney in fact  
17 that includes the source and nature of each receipt, disbursement,  
18 or action, with receipts of principal and income shown separately;

19                           (D) a listing of all property over which you have  
20 exercised control that includes an adequate description of each  
21 asset and the asset's current value, if known to you;

22                           (E) the cash balance on hand and the name and  
23 location of the depository at which the cash balance is kept;

24                           (F) each known liability;

25                           (G) any other information and facts known to you  
26 as necessary for a full and definite understanding of the exact  
27 condition of the property belonging to the principal; and

1 (H) all documentation regarding the principal's  
2 property.

3 Termination of Agent's Authority

4 You must stop acting on behalf of the principal if you learn  
5 of any event that terminates or suspends this power of attorney or  
6 your authority under this power of attorney. An event that  
7 terminates this power of attorney or your authority to act under  
8 this power of attorney includes:

9 (1) the principal's death;

10 (2) the principal's revocation of this power of  
11 attorney or your authority;

12 (3) the occurrence of a termination event stated in  
13 this power of attorney;

14 (4) if you are married to the principal, the  
15 dissolution of your marriage by court decree of divorce or  
16 annulment;

17 (5) the appointment and qualification of a permanent  
18 guardian of the principal's estate unless a court order provides  
19 otherwise; or

20 (6) if ordered by a court, your removal as agent  
21 (attorney in fact) under this power of attorney. An event that  
22 suspends this power of attorney or your authority to act under this  
23 power of attorney is the appointment and qualification of a  
24 temporary guardian unless a court order provides otherwise [~~if~~  
25 ~~ordered by a court, the suspension of this power of attorney on the~~  
26 ~~appointment and qualification of a temporary guardian until the~~  
27 ~~date the term of the temporary guardian expires].~~

1 Liability of Agent

2       The authority granted to you under this power of attorney is  
3 specified in the Durable Power of Attorney Act (Subtitle P, Title 2,  
4 Estates Code). If you violate the Durable Power of Attorney Act or  
5 act beyond the authority granted, you may be liable for any damages  
6 caused by the violation or subject to prosecution for  
7 misapplication of property by a fiduciary under Chapter 32 of the  
8 Texas Penal Code.

9       THE ATTORNEY IN FACT OR AGENT, BY ACCEPTING OR ACTING UNDER  
10 THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL  
11 RESPONSIBILITIES OF AN AGENT.

12       SECTION 5. Subtitle P, Title 2, Estates Code, is amended by  
13 adding Chapter 753 to read as follows:

14       CHAPTER 753. REMOVAL OF ATTORNEY IN FACT OR AGENT

15       Sec. 753.001. PROCEDURE FOR REMOVAL. (a) In this section,  
16 "person interested," notwithstanding Section 22.018, has the  
17 meaning assigned by Section 1002.018.

18       (b) The following persons may file a petition under this  
19 section:

20           (1) any person named as a successor attorney in fact or  
21 agent in a durable power of attorney; or

22           (2) if the person with respect to whom a guardianship  
23 proceeding has been commenced is a principal who has executed a  
24 durable power of attorney, any person interested in the  
25 guardianship proceeding, including an attorney ad litem or guardian  
26 ad litem.

27       (c) On the petition of a person described by Subsection (b),

1 a probate court, after a hearing, may enter an order:

2 (1) removing a person named and serving as an attorney  
3 in fact or agent under a durable power of attorney;

4 (2) authorizing the appointment of a successor  
5 attorney in fact or agent who is named in the durable power of  
6 attorney if the court finds that the successor attorney in fact or  
7 agent is willing to accept the authority granted under the power of  
8 attorney; and

9 (3) if compensation is allowed by the terms of the  
10 durable power of attorney, denying all or part of the removed  
11 attorney in fact's or agent's compensation.

12 (d) A court may enter an order under Subsection (c) if the  
13 court finds:

14 (1) that the attorney in fact or agent has breached the  
15 attorney in fact's or agent's fiduciary duties to the principal;

16 (2) that the attorney in fact or agent has materially  
17 violated or attempted to violate the terms of the durable power of  
18 attorney and the violation or attempted violation results in a  
19 material financial loss to the principal;

20 (3) that the attorney in fact or agent is  
21 incapacitated or is otherwise incapable of properly performing the  
22 attorney in fact's or agent's duties; or

23 (4) that the attorney in fact or agent has failed to  
24 make an accounting:

25 (A) that is required by Section 751.104 within  
26 the period prescribed by Section 751.105, by other law, or by the  
27 terms of the durable power of attorney; or

1                    (B) as ordered by the court.

2            Sec. 753.002. NOTICE TO THIRD PARTIES. Not later than the  
3 21st day after the date the court enters an order removing an  
4 attorney in fact or agent and authorizing the appointment of a  
5 successor under Section 753.001, the successor attorney in fact or  
6 agent shall provide actual notice of the order to each third party  
7 that the attorney in fact or agent has reason to believe relied on  
8 or may rely on the durable power of attorney.

9            SECTION 6. Section 1055.003, Estates Code, is amended by  
10 amending Subsection (a) and adding Subsection (d) to read as  
11 follows:

12            (a) Notwithstanding the Texas Rules of Civil Procedure and  
13 except as provided by Subsection (d), an interested person may  
14 intervene in a guardianship proceeding only by filing a timely  
15 motion to intervene that is served on the parties.

16            (d) A person who is entitled to receive notice under Section  
17 1051.104 is not required to file a motion under this section to  
18 intervene in a guardianship proceeding.

19            SECTION 7. Section 1101.002, Estates Code, is amended to  
20 read as follows:

21            Sec. 1101.002. CONTENTS OF APPLICATION; CONFIDENTIALITY OF  
22 CERTAIN ADDRESSES. An application filed under Section 1101.001 may  
23 omit the address of a person named in the application if:

24            (1) the application states that the person is or was  
25 protected by a protective order issued under Chapter 85, Family  
26 Code;

27            (2) a copy of the protective order is attached to the

1 application as an exhibit;

2 (3) the application states the county in which the  
3 person resides;

4 (4) the application indicates the place where notice  
5 to or the issuance and service of citation on the person may be made  
6 or sent; and

7 (5) the application is accompanied by a request for an  
8 order under Section 1051.201 specifying the manner of issuance,  
9 service, and return of citation or notice on the person.

10 SECTION 8. Section 1151.051(d), Estates Code, is amended to  
11 read as follows:

12 (d) Notwithstanding Subsection (c)(4), a guardian of the  
13 person of a ward has the power to personally transport the ward or  
14 to direct the ward's transport by emergency medical services or  
15 other means to an inpatient mental health facility for a  
16 preliminary examination in accordance with Subchapters A and C,  
17 Chapter 573, Health and Safety Code. The guardian shall  
18 immediately provide written notice to the court that granted the  
19 guardianship as required by Section 573.004, Health and Safety  
20 Code, of the filing of an application under that section.

21 SECTION 9. Section 1357.052, Estates Code, is amended to  
22 read as follows:

23 Sec. 1357.052. AUTHORITY OF SUPPORTER; NATURE OF  
24 RELATIONSHIP. (a) A supporter may exercise the authority granted  
25 to the supporter in the supported decision-making agreement.

26 (b) The supporter owes to the adult with a disability  
27 fiduciary duties as listed in the form provided by Section

1 1357.056(a), regardless of whether that form is used for the  
2 supported decision-making agreement.

3 (c) The relationship between an adult with a disability and  
4 the supporter with whom the adult enters into a supported  
5 decision-making agreement:

6 (1) is one of trust and confidence; and

7 (2) does not undermine the decision-making authority  
8 of the adult.

9 SECTION 10. Subchapter B, Chapter 1357, Estates Code, is  
10 amended by adding Section 1357.0525 to read as follows:

11 Sec. 1357.0525. DESIGNATION OF ALTERNATE SUPPORTER IN  
12 CERTAIN CIRCUMSTANCES. In order to prevent a conflict of interest,  
13 if a determination is made by an adult with a disability that the  
14 supporter with whom the adult entered into a supported  
15 decision-making agreement is the most appropriate person to provide  
16 to the adult supports and services for which the supporter will be  
17 compensated, the adult may amend the supported decision-making  
18 agreement to designate an alternate person to act as the adult's  
19 supporter for the limited purpose of participating in  
20 person-centered planning as it relates to the provision of those  
21 supports and services.

22 SECTION 11. Section 1357.053(b), Estates Code, is amended  
23 to read as follows:

24 (b) The supported decision-making agreement is terminated  
25 if:

26 (1) the Department of Family and Protective Services  
27 finds that the adult with a disability has been abused, neglected,

1 or exploited by the supporter; [~~or~~]

2 (2) the supporter is found criminally liable for  
3 conduct described by Subdivision (1); or

4 (3) a temporary or permanent guardian of the person or  
5 estate appointed for the adult with a disability qualifies.

6 SECTION 12. Section 1357.056(a), Estates Code, is amended  
7 to read as follows:

8 (a) Subject to Subsection (b), a supported decision-making  
9 agreement is valid only if it is in substantially the following  
10 form:

SUPPORTED DECISION-MAKING AGREEMENT

Important Information For Supporter: Duties

13 When you agree to provide support to an adult with a  
14 disability under this supported decision-making agreement, you  
15 have a duty to:

- 16 (1) act in good faith;
- 17 (2) act within the authority granted in this  
18 agreement;
- 19 (3) act loyally and without self-interest; and
- 20 (4) avoid conflicts of interest.

Appointment of Supporter

22 I, (insert your name), make this agreement of my own free  
23 will.

24 I agree and designate that: \_\_\_\_\_

25 Name: \_\_\_\_\_

26 Address: \_\_\_\_\_

27 Phone Number: \_\_\_\_\_

1 E-mail Address: \_\_\_\_\_

2 is my supporter. My supporter may help me with making everyday life  
3 decisions relating to the following:

4 Y/N obtaining food, clothing, and shelter

5 Y/N taking care of my physical health

6 Y/N managing my financial affairs.

7 My supporter is not allowed to make decisions for me. To help  
8 me with my decisions, my supporter may:

9 1. Help me access, collect, or obtain information that is  
10 relevant to a decision, including medical, psychological,  
11 financial, educational, or treatment records;

12 2. Help me understand my options so I can make an informed  
13 decision; or

14 3. Help me communicate my decision to appropriate persons.

15 Y/N A release allowing my supporter to see protected  
16 health information under the Health Insurance Portability and  
17 Accountability Act of 1996 (Pub. L. No. 104-191) is attached.

18 Y/N A release allowing my supporter to see educational  
19 records under the Family Educational Rights and Privacy Act of 1974  
20 (20 U.S.C. Section 1232g) is attached.

21 Effective Date of Supported Decision-Making Agreement

22 This supported decision-making agreement is effective  
23 immediately and will continue until (insert date) or until the  
24 agreement is terminated by my supporter or me or by operation of  
25 law.

26 Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Consent of Supporter

I, (name of supporter), consent to act as a supporter under this agreement.

(signature of supporter) (printed name of supporter)

Signature

(my signature) (my printed name)

(witness 1 signature) (printed name of witness 1)

(witness 2 signature) (printed name of witness 2)

State of \_\_\_\_\_

County of \_\_\_\_\_

This document was acknowledged before me

on \_\_\_\_\_ (date)

by \_\_\_\_\_ and \_\_\_\_\_

(name of adult with a disability) (name of supporter)

(signature of notarial officer)

(Seal, if any, of notary) \_\_\_\_\_ (printed name)

My commission expires: \_\_\_\_\_

WARNING: PROTECTION FOR THE ADULT WITH A DISABILITY

IF A PERSON WHO RECEIVES A COPY OF THIS AGREEMENT OR IS AWARE OF THE EXISTENCE OF THIS AGREEMENT HAS CAUSE TO BELIEVE THAT THE ADULT WITH A DISABILITY IS BEING ABUSED, NEGLECTED, OR EXPLOITED BY

1 THE SUPPORTER, THE PERSON SHALL REPORT THE ALLEGED ABUSE, NEGLECT,  
2 OR EXPLOITATION TO THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES  
3 BY CALLING THE ABUSE HOTLINE AT 1-800-252-5400 OR ONLINE AT  
4 WWW.TXABUSEHOTLINE.ORG.

5 SECTION 13. (a) Sections 751.052, 751.054(a), and  
6 751.055(a), Estates Code, as amended by this Act, and Chapter 753,  
7 Estates Code, as added by this Act, apply to a durable power of  
8 attorney, including a statutory durable power of attorney, executed  
9 before, on, or after the effective date of this Act.

10 (b) Section 752.051, Estates Code, as amended by this Act,  
11 applies to a statutory durable power of attorney executed on or  
12 after the effective date of this Act. A statutory durable power of  
13 attorney executed before the effective date of this Act is governed  
14 by the law as it existed on the date the statutory durable power of  
15 attorney was executed, and the former law is continued in effect for  
16 that purpose.

17 (c) Section 1055.003, Estates Code, as amended by this Act,  
18 applies to a guardianship proceeding that is pending or commenced  
19 on or after the effective date of this Act.

20 (d) Section 1101.002, Estates Code, as amended by this Act,  
21 applies to an application for a guardianship filed on or after the  
22 effective date of this Act.

23 (e) Sections 1357.052 and 1357.053(b), Estates Code, as  
24 amended by this Act, and Section 1357.0525, Estates Code, as added  
25 by this Act, apply to a supported decision-making agreement entered  
26 into before, on, or after the effective date of this Act.

27 (f) Section 1357.056(a), Estates Code, as amended by this

1 Act, applies to a supported decision-making agreement entered into  
2 on or after the effective date of this Act. A supported  
3 decision-making agreement entered into before the effective date of  
4 this Act is governed by the law as it existed on the date the  
5 supported decision-making agreement was entered into, and the  
6 former law is continued in effect for that purpose.

7 SECTION 14. This Act takes effect September 1, 2017.